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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/521,698	03/09/2000	Hajime Nishimura	450100-02397	2390

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EXAMINER

NGUYEN, HUY THANH

ART UNIT

PAPER NUMBER

2615

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/521,698

**Applicant(s)**

NISHIMURA ET AL.

**Examiner**

HUY T NGUYEN

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by TEICHU (JP 09-153250).

Regarding claim 1, TEICHU discloses a disk apparatus (Fig. 1) comprising:  
recording means for recording input data on a disk-shaped recording medium (hard disc);

a nonvolatile memory (33) in which at least address information that is necessary for accessing of an input data recording area of the disk-shaped recording medium is to be recorded;

memory control means for recording the address information in the nonvolatile memory; and

reproducing means for reproducing data recorded on the disk-shaped recording medium based on contents of the nonvolatile memory.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 2-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teichu (JP 09-153250) in view of Yamamoto et al (5,740,435).

Teichu further teaches that the recording means records continuous input data on the disk-shaped recording medium in units of a prescribed block (cluster) that is set for the disk-shaped recording medium but fails to teach that the memory control means sequentially records the address information corresponding to respective recording-completed blocks in the nonvolatile memory in synchronism with operation of the recording means.

Yamamoto teaches a recording and reproducing apparatus for recording continuous data on a disc shape recording medium having a control means for storing information related to the files in the memory in synchronism with the recording means by storing identification to indicate an end of file for each of completed files recorded

on the recording medium by a recording means (column 7, lines 55-60, column 8, lines 41-68, column 9, lines 30- 39).

It would have been obvious to one of ordinary skill in the art to modify Teichu with Yamamoto by using a control means as taught by Yamamoto with apparatus of Teichu for storing identification indicating an end of file for each file in the FAT memory of Teichu thereby enhancing the capacity of the apparatus of Teichu for accurately accessing each file of recorded data on the medium.

Regarding claim 3, Teichu as modified with Yamamoto further teaches the recording means records continuous input data on the disk-shaped recording medium in units of a prescribed block that is set for the disk-shaped recording medium; the address information is formed by data indicating consecutive blocks for one file of the input data (see Teichu reference ); and the memory control means records identification information indicating a file end in the nonvolatile memory for a last block of the one file, and sets the identification information based on the address information at starting (See Yamamoto column 8, lines 30-68).

Regarding claim 4, Teichu as modified with Yamamoto further teaches that the recording means records the same data as held by the nonvolatile memory in a prescribed area of the disk-shaped recording medium (See Teichu and Yamamoto references).

Regarding claim 6, Teichu as modified with Yamamoto further teaches that the recording means records the input data on the disk-shaped recording medium in units of a prescribed block that is set for the disk-shaped recording medium; and

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the memory control means records, during recording of the input data, identification information indicating that the input data is being recorded in the nonvolatile memory, and sequentially records the address information and data indicating a status of progress by generating an end file information of the recording of the input data both of which corresponds to respective recording-completed blocks in the nonvolatile memory in synchronism with the operation of the recording means ( See Teichu and Yamamoto references ).

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Teichu in view of Seki (5,09,206)

Regarding claim 5, Teichu as modified with Yamamoto fails to specifically teaches that the disk apparatus is detachably held by a prescribed video apparatus; and the input data is video data that is output from the video apparatus.

Seki teaches a disc recording apparatus detachably held by a apparatus for receiving data output from the apparatus as an input of the disc recording apparatus (Fig. 1) . It would have been obvious to one of ordinary skill in the art to modify Teichu with Seki by using the teaching of Seki to incorporating an input means for receiving the output data from another apparatus thereby enhancing the capacity of the disc recording apparatus to receive an additional source of data as input data for recording .

5. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teichu in view of Inoue (JP 10134479).

Regarding claims 7 and 8, Teichu fails to teaches a control means for repairing the content of the memory based on the identification indicating a abnormal termination occurred .

Inoue teaches a recording/ reproducing apparatus for recording input data on a recording medium having a control means for generating identification data stored in a memory to indicating a status of progress of the recording when a abnormal termination is occurred and to repair the content in the memory.

It would have bee obvious to one of ordinary skill in to modify Teichu with Inoue by using a control means as taught by Inoue with the apparatus of Teichu for generating the status of rcording input data in the memory when a abnormal termination is occurred and repairing the content in the memory thereby enhancing the function and capability of the apparatus of Teichu to prevent error during a reproduction of the recorded data .

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T NGUYEN whose telephone number is (703) 305-4775. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.N

  
HUY NGUYEN  
PRIMARY EXAMINER